

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SAMUEL SALLOUM,

Plaintiff,

Civil No. 19-13505

v.

Honorable Matthew F. Leitman

CHARLES KABLE IV, *et al.*,

Defendants.

**NOTICE OF LODGING PRIVILEGE SUPPORT MATERIALS FOR *EX***  
***PARTE, IN CAMERA* REVIEW**

In accordance with the Court’s Order, ECF No. 59, granting Defendants’ Motion for Leave to File *Ex Parte* and *In Camera* Materials In Support of their Opposition to Plaintiff’s Motion to Compel (“Defendants’ Motion for Leave”), ECF No. 52, Defendants hereby provide notice that they have lodged for the Court’s *ex parte* and *in camera* review the materials referred to in the Court’s Order as the “Privilege Support Materials,” that is, the *ex parte* and *in camera* materials that demonstrate why the information sought in Plaintiff’s Motion to Compel (ECF No. 46) are protected by the law enforcement privilege. The Privilege Support Materials include an unredacted Supplemental Declaration of Diane Sabatino, Deputy Executive Assistant Commissioner, Office of Field Operations (OFO), CBP, which was filed in redacted form at ECF No. 53-3. The

Privilege Support Materials also include certain classified material, which, as explained in Defendants' Motion for Leave, cannot be identified publicly or submitted on the public record even in redacted form.

Defendants also respectfully wish to clarify, in response to the footnote in the Court's Order, *see* ECF No. 59 at 11 n.3, that the materials referenced in that footnote as already delivered to chambers are the *ex parte* and *in camera* portions of the administrative record ("*Ex Parte* AR Materials") that were lodged for the Court's *ex parte* and *in camera* review in June 2021, not the Privilege Support Materials. *See* Notice of Lodging of Administrative Record, ECF No. 38. However, as explained in Defendants' Motion for Leave, ECF No. 52 at 2 n.2, portions of the Privilege Support Materials incorporate by reference the explanations of harm that are included in certain declarations found in the *Ex Parte* AR Materials. *See* ECF No. 52 at 2 n.2. Accordingly, both sets of materials are relevant to the Court's consideration of Plaintiff's Motion to Compel.

A representative from the Department of Justice will contact the Court to arrange delivery of the Privilege Support Materials prior to the June 8, 2022 deadline set in the Court's Order.

Dated: June 3, 2022

Respectfully submitted,

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/s/ Christopher R. Healy

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